

Amendment No. 1 to HB1408

**Marsh
Signature of Sponsor**

AMEND Senate Bill No. 1788

House Bill No. 1408*

by deleting SECTION 2 of the bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 29-18-128, is amended by deleting the language “the ten (10) days allowed by § 27-5-108, as in other cases, the appellant” and by substituting instead the language “three (3) days, by the appellant”.

AND FURTHER AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 6. Tennessee Code Annotated, Section 27-5-108, is amended by adding the following as a new subsection (e):

(e) Notwithstanding this section, in a forcible entry and detainer action, the period for appeal shall be three (3) days unless the appealing party petitions the judge that execution of the judgment in three (3) days would result in an undue hardship. If the judge makes a specific finding that the three-day period would result in an undue hardship to the defendant, the judge may permit the appealing party up to ten (10) days in which to appeal. The hearing on the petition shall be conducted at the same time the petition is filed unless to do so would likely result in a manifest injustice against the parties, creditors or other interested parties.

SECTION 7. Tennessee Code Annotated, Section 29-18-126, is amended by designating the existing language of this section as subsection (a) and by adding the following new subsection:

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(b) Notwithstanding subsection (a), the defendant may petition the court alleging that the execution or writ of possession issued after the lapse of three (3) days would result in an undue hardship on the defendant. If the judge makes a specific finding that the three-day period would result in an undue hardship to the defendant, the judge may permit the appealing party up to ten (10) days before the judgment is enforced, unless to do so would likely result in a manifest injustice against the parties, creditors or other interested parties.